



# PESTICIDE ESA NEWS

Washington State Department of Agriculture → Endangered Species Program Newsletter



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## QUESTIONS?

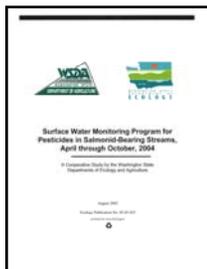
For more information about the Endangered Species Program, visit our Web site at [agr.wa.gov/PestFert/EnvResources/EndangSpecies.htm](http://agr.wa.gov/PestFert/EnvResources/EndangSpecies.htm)

We welcome your input. Please send your comments and questions to the WSDA Endangered Species Program at [esp@agr.wa.gov](mailto:esp@agr.wa.gov)

## Pesticide monitoring results available on-line

The second-year results of the three-year pesticide monitoring study are now posted on the Washington State Department of Agriculture (WSDA) Web page. The 2004 sampling data may be accessed at [agr.wa.gov/PestFert/EnvResources/SWM/default.htm](http://agr.wa.gov/PestFert/EnvResources/SWM/default.htm)

The amount of pesticides in several salmon-bearing streams continues to be low and generally within acceptable levels, according to the latest study results.



Surface waters were sampled for 144 chemicals; including 87 currently registered pesticides, pesticide breakdown products and a number of historically used, but now banned pesticides, such as DDT. Overall, the herbicide 2,4-D was the most commonly detected pesticide in the agricultural watersheds. The herbicide dichlobenil (Casoron) was the most commonly detected pesticide in the urban watershed.

The number of pesticides found in the agricultural sites dropped from 46 in 2003 to 37 in 2004. The number of pesticides in the urban basin went from 17 in 2003 to eight in 2004.

The monitoring study is designed to assess salmonid exposure to pesticides by compiling a minimum of three years of data and subsequently looking for trends across years to assess water quality. →

## State-Initiated Plan moves closer to EPA approval

On Nov. 2, EPA implemented its Endangered Species Protection Program (ESPP) which paves the way for approval of the [Washington state-initiated plan](#).

The ESPP allows States and Tribes to develop and propose plans for their specific involvement in protecting threatened or endangered species or their critical habitat (for example, providing specific use information to EPA for consideration during its pesticide risk assessments).

The Washington state-initiated plan formalizes the current process between WSDA and EPA and NOAA Fisheries for the use of state-specific data to make ecological risk assessments and/or evaluate the effects of pesticides to ensure the pesticide's use will not jeopardize the continued existence of a listed species or its habitat.

If the risk assessment or consultation process results in changes to a pesticide's use instructions, under the ESPP and the state-initiated plan, WSDA can work with EPA to craft pesticide use mitigation to not only protect threatened and endangered species but to also retain the pesticide's use whenever possible.

The Washington state-initiated plan also establishes a procedure for WSDA and EPA to collaborate in the development of county-level Endangered Species Protection Bulletins which will convey the use instruction changes to pesticide applicators.

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## State-Initiated Plan moves closer to EPA approval

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The bulletins, referenced on the pesticide product label, will become FIFRA-enforceable use requirements.

Additional information about the EPA Endangered Species Protection Program is available on the Internet at [epa.gov/fedrgstr/EPA-PEST/2005/November/Day-02/p21838.htm](http://epa.gov/fedrgstr/EPA-PEST/2005/November/Day-02/p21838.htm). ➔

## WSDA hosts data workshop for EPA and NOAA Fisheries

EPA has recognized the data gathered by the WSDA's surface water pesticide monitoring program as a key component in the mutual efforts of WSDA, EPA and NOAA Fisheries to protect threatened and endangered species.

So it only follows that WSDA would host a 3-day workshop Oct. 10 - 12 to review its surface water pesticide monitoring program with the primary users of the monitoring data – EPA and NOAA Fisheries.

“We received some excellent suggestions on how we can identify potential data gaps and make modifications to assure that, rather than estimates, our state-specific data is used by EPA and NOAA Fisheries for effects determinations,” said Bridget Moran, program manager for the WSDA Endangered Species Program. “I cannot begin to express my appreciation for EPA and NOAA traveling so far to get a better understanding of our monitoring program and the potential impacts of the Endangered Species Act on Washington agriculture.”

Among the workshop participants were Jim Cowles and Bridget Moran, WSDA; Dale Bambrick, Maria Boroja and Scott Hecht, NOAA Fisheries; and Mark Corbin, Jim Hedrick and Ed Odenkirchen, EPA. ➔



*Jim Cowles (second from left) discusses sampling locations with workshop participants.*

## ESA litigation update

U.S. District Court Judge John Coughenour has ruled on allegations that EPA has failed to comply with certain requirements of the Jan. 2004 ruling in *Washington Toxics Coalition, et al., v. EPA*.

Earthjustice alleged that EPA failed to comply with implementation of the urban point-of-sale notification. The court agreed and ordered EPA to mail the requirements of the mandatory salmon hazard warning to pesticide retailers in urban areas.

The court further ordered EPA to include in the mailing a list of the 7 pesticide active ingredients subject to the warning and the products containing those ingredients. The pesticides are 2,4-D, carbaryl, diazinon, diuron, malathion, triclopyr BEE, and trifluralin.

Earthjustice also asked the court to clarify that the noxious weed exclusion does not authorize aquatic application of any of the 54 pesticides into salmon-supporting waters. The court denied this motion, ruling that the clarification is contrary to the language of the noxious weed exclusion. The exclusion allows those pesticides registered for aquatic application under FIFRA to be used to directly combat noxious weed in salmon-supporting waters.

Earthjustice, the law firm representing the Washington Toxics Coalition and other environmental and fishing groups, stated these rulings should conclude the litigation in *Washington Toxics Coalition, et al., v. EPA*. The court deferred the rulings until the U.S. Court of Appeals for the Ninth Circuit reached a decision. Earlier this summer, the appeals court affirmed the Jan. 2004 order.

For background information on the court-mandated point-of-sale notifications and noxious weed exemption, see [Washington Toxics Coalition, et al., v. EPA](#) on the WSDA Endangered Species Program web page. ➔